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LEGISLATIVE SUPPLEMENT

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PART-I

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 20th April, 2016

No. Leg. 10/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 11th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 7 OF 2016**THE HARYANA VALUE ADDED TAX (AMENDMENT) ACT, 2016****AN****ACT**

further to amend the Haryana Value Added Tax Act, 2003.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows:—

<p>1. This Act may be called the Haryana Value Added Tax (Amendment) Act, 2016.</p> <p>2. For section 59A of the Haryana Value Added Tax Act, 2003, the following section shall be substituted, namely:—</p> <p style="padding-left: 20px;">“59A. Amnesty Scheme.—Notwithstanding anything to the contrary contained in this Act and rules framed thereunder, the Government may, by notification in the Official Gazette, notify amnesty scheme covering payment of tax, interest, penalty or any other dues under the Act relating to any period, subject to such conditions and restrictions, as may be specified therein, covering tax, rates of tax, period of limitation, interest, penalty or any other dues payable by a class of dealers or classes of dealers or all dealers.”</p> <p>3. (1) The Haryana Value Added Tax (Amendment) Ordinance, 2016 (Haryana Ordinance No. 1 of 2016), is hereby repealed.</p> <p>(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance, shall be deemed to have been done or taken under this Act.</p>	<p>Short title.</p> <p>Substitution of section 59A of Haryana Act 6 of 2003.</p> <p>Repeal and savings.</p>
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KULDIP JAIN,
 Secretary to Government Haryana,
 Law and Legislative Department.

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 20th April, 2016

No. Leg. 11/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 11th April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 8 OF 2016

**THE HARYANA DEVELOPMENT AND REGULATION OF URBAN AREAS
(AMENDMENT) ACT, 2016**

**AN
ACT**

*further to amend the Haryana Development and Regulation of
Urban Areas Act, 1975.*

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :—

Short title.

Amendment of
section 2 of
Haryana Act 8 of
1975.

1. This Act may be called the Haryana Development and Regulation of Urban Areas (Amendment) Act, 2016.

2. In section 2 of the Haryana Development and Regulation of Urban Areas Act, 1975 (hereinafter called the principal Act), —

- (i) for clause (d), the following clause shall be substituted, namely:—
“(d) ‘colonizer’ means an individual, company or association or body of individuals, whether incorporated or not, owning land for converting it into a colony and to whom a licence has been granted under this Act and shall include a developer;”;
- (ii) after clause (ddd), the following clauses shall be inserted, namely:—
“(d1) ‘developer’ means an individual, company, association, firm or a limited liability partnership, designated through a collaboration/development agreement with the owner for making an application for grant of licence and for completion of formalities required on behalf of such owner to develop a colony;
- (d2) ‘development rights’ means the rights given for development of land within the urbanisable limit of development plan either to an owner who surrenders such land to vest with the Government without claiming any compensation for the purpose of obtaining TDR Certificate or to a colonizer whom a PDR Certificate has been issued, after fulfilling such terms and conditions and on payment of such fee, as may be prescribed;”;
- (iii) after clause (jj), the following clause shall be inserted, namely:—
“(jj) ‘notional land’ means the theoretical land of which TDR Certificate has been issued;”;
- (iv) after clause (nn), the following clauses shall be inserted, namely:—
“(n1) ‘Purchasable Development Rights Certificate (PDR Certificate)’ means the certificate of development rights given to a colonizer in a specified colony which shall not be resalable or transferable;
- (n2) ‘Transferable Development Rights Certificate (TDR Certificate)’ means the certificate of development rights given to an owner who surrenders such land to vest with the Government without claiming any compensation and such certificate may be sold within urbanisable limit of a development plan by the owner;”.

3. In section 3 of the principal Act,—

(i) in sub-section (1),—

(A) in the existing proviso, for the sign “.” existing at the end, the sign “:” shall be substituted;

(B) after the existing proviso, the following proviso shall be added, namely:—

“Provided further that owner may enter into an agreement jointly or severally with a developer for pooling of land for grant of licence.”;

(ii) in clause (a) of sub-section (3),—

(a) in sub-clause (iv),—

(A) in the third proviso, for the sign “.” existing at the end, the sign “:” shall be substituted;

(B) after the third proviso, the following proviso shall be added, namely:-

“Provided further that the applicant shall be exempted from the provisions of this clause where compliance of clause (iv-b) is sought by the Director.”;

(b) after sub-clause (iv-a), the following sub-clause shall be inserted, namely:-

“(iv-b) to hand-over the possession and transfer the ownership of such land, as demarcated and identified in the approved layout plan, in such form and manner, as may be specified by the Director and such land shall vest with the Government to achieve the objective of creation of community buildings, housing, commercial and other physical and social urban infrastructure, in such colonies where a condition to this effect is imposed by the Director, before grant of licence.”.

4. After section 6 of the principal Act, the following sections shall be inserted, namely:—

“6A. Grant of Transferable Development Rights (TDR) Certificate.-

(1) If the owner whose land is eligible for issuance of TDR Certificate within the urbanisable limits of any development plan, subject to such terms and conditions, as may be prescribed, makes an application on the prescribed format, for handing over the possession of such land, to vest with the Government through the Director, for all intents and purposes, free from all encumbrances, shall, notwithstanding anything contained in this Act or rules framed thereunder, be entitled to be granted TDR Certificate upon payment of such fee and charges, as may be prescribed.

(2) On receipt of the application under sub-section (1), the Director, shall undertake scrutiny of such application to—

- (a) verify the extent, situation and title of the land;
- (b) ascertain conformity of the application to the prescribed parameters; and
- (c) initiate and examine the claims and objections in such manner, as may be prescribed.

(3) After the scrutiny under sub-section (2), the Director may issue a TDR Certificate specifying the notional land, to be calculated after factorizing with the prescribed index, on which development rights may be availed subject to such terms and conditions, as may be prescribed or may reject it, citing reasons thereof:

Provided that no such application shall be rejected without giving an opportunity of hearing to the owner.

(4) The entitlement of development rights shall be calculated on the basis of the area of the land and its location, which on account of issuance of TDR Certificate shall vest with the Government, free from all encumbrances and without claiming compensation under any law for the time being in force:

Amendment of
section 3 of
Haryana Act 8 of
1975.

Insertion of
sections 6A and 6B
in Haryana Act 8 of
1975.

Provided that the Government may either transfer such land that has vested with it to any person or institution including a local authority for such purpose, on such terms and conditions, as it may deem fit, or enter into an exchange of the land with any other person or institution to ensure better planning, before its transfer and utilization.

(5) The development rights shall only be utilizable after due approval from the Director at the time of approval of building plans and shall not be allowed to be utilized unless an entry to such effect is made in the TDR Certificate and the register/database maintained by the Director.

(6) The utilization of development rights shall be subject to such limitations, as may be prescribed.

(7) The Director shall maintain and periodically publish a register/database including entries of issue, transfer or utilization of development rights granted under this section in such manner, as may be prescribed.

6B. Grant of Purchasable Development Rights Certificate (PDR Certificate) — (1) A colonizer intending to obtain a PDR Certificate shall make an application on the prescribed format, alongwith an undertaking to deposit such fee, as may be prescribed, upon demand, shall be entitled to be granted PDR Certificate under this section upon fulfillment of such terms and conditions and on payment of such fee, as may be prescribed.

(2) On receipt of the application under sub-section (1) and upon scrutiny of the application, the Director, if satisfied, may issue PDR Certificate specifying its utilization or may reject it, citing reasons thereof:

Provided that no such application shall be rejected without giving an opportunity of hearing to the colonizer.

(3) The utilization of development rights against any PDR Certificate issued against a specific colony shall be non-transferable and fee deposited against it shall be non-refundable.”.

After section 8 of the principal Act, the following section shall be inserted,

“8A. Online receipt and approval.— (1) All functions performed under this Act may also be performed through electronic form and internet.

(2) Without prejudice to the generality of sub-section (1), the functions may include all or any of the followings:-

- (a) receipt or acknowledgement of applications and payments;
- (b) issue of approvals, orders or directions;
- (c) scrutiny, enquiry or correspondence for grant of license, its renewal, transfer or grant of occupation certificates, part or completion certificate etc.;
- (d) approval of plans, estimates, occupation certificates etc.;
- (e) filing of documents;
- (f) issue of notices for recoveries;
- (g) maintenance of registers and records;
- (h) any other function that the Director may deem fit in public interest.”.

6. In sub-section (2) of section 24 of the principal Act,-

- (i) in clause (i), for the sign “.” existing at the end, the sign “;” shall be substituted;
- (ii) after clause (i), the following clause shall be added at the end, namely:-

“(j) any other matter which has to be or may be prescribed.”.

Insertion of section 8A in Haryana Act 8 of 1975.

5. namely:-

Amendment of section 24 of Haryana Act 8 of 1975.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.

HARYANA GOVERNMENT
LAW AND LEGISLATIVE DEPARTMENT

Notification

The 20th April, 2016

No. Leg. 12/2016.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 1st April, 2016 and is hereby published for general information :—

HARYANA ACT NO. 9 OF 2016

THE HARYANA BACKWARD CLASSES COMMISSION ACT, 2016

**AN
ACT**

to constitute the Haryana Backward Classes Commission and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Sixty-seventh Year of the Republic of India as follows :—

<p>1. This Act may be called the Haryana Backward Classes Commission Act, 2016.</p> <p>2. In this Act, unless the context otherwise requires,—</p> <ul style="list-style-type: none"> (a) "Backward Classes" means such Backward Classes as notified by the State Government in the Official Gazette from time to time; (b) "Commission" means the Haryana Backward Classes Commission constituted under section 3; (c) "Member" means a Member of the Commission and includes the Chairperson; (d) "prescribed" means prescribed by the rules made under this Act; (e) "State Government" means the Government of the State of Haryana. 	<p>Short title.</p> <p>Definitions.</p>
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3. (1) The State Government, by notification in the Official Gazette, shall constitute a body to be known as the Haryana Backward Classes Commission to exercise the powers conferred on and to perform the functions assigned to it under this Act.

(2) The Commission shall consist of the following Members to be nominated by the State Government, namely:—

- (a) a Chairperson, who is or has been a Judge of the High Court;
- (b) a social scientist;
- (c) two persons, who have special knowledge in matters relating to Backward Classes; and
- (d) a Member-Secretary, who is or has been an officer of the State Government not below the rank of Secretary to the Government, Haryana.

4. (1) Every Member shall hold office for a term of three years from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the State Government, resign from his office at any time.

(3) The State Government shall remove a Member if he,—

- (a) becomes an undischarged insolvent; or
- (b) is convicted and sentenced to imprisonment for an offence which in the opinion of the State Government involves moral turpitude; or
- (c) becomes of unsound mind and stands so declared by a competent court; or

Constitution of
Haryana
Backward Classes
Commission.

Term of office
and conditions of
service of
Chairperson and
Members.

- (d) refuses to act or becomes incapable of acting; or
- (e) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or
- (f) has, in the opinion of the State Government, so abused the position of Member as to render that person's continuance in office detrimental to the interests of Backward Classes or the public interest:

Provided that no person shall be removed under this sub-section until that person has been given an opportunity of being heard in the matter.

(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh nomination.

(5) The salaries and allowances payable to and the other terms and conditions of service of the Chairperson and Members shall be such, as may be prescribed.

5. (1) The State Government shall provide the Commission with such officers and employees, as may be necessary, for the efficient performance of the functions of the Commission under this Act.

(2) The salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such, as may be prescribed.

6. The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees shall be paid out of the grants referred to in sub-section (1) of section 12.

7. No act or proceedings of the Commission shall be invalid merely on the ground of the existence of any vacancy, absence of Member or defect in the constitution of the Commission.

8. (1) The Commission shall meet as and when necessary, at such time and place, as the Chairperson may think fit.

(2) The Commission shall regulate its own procedure.

(3) All orders and decisions of the Commission shall be authenticated by the Member-Secretary or any other officer of the Commission duly authorized by the Member-Secretary in this behalf.

9. The Commission shall examine requests for inclusion or exclusion of any class of citizens as a Backward Class and hear complaints of over-inclusion or under-inclusion of any Backward Class and tender such advice to the State Government, as it deems appropriate.

10. The Commission shall, while performing its functions under section 9, have all the powers of a civil court trying a suit and in particular, in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents; and
- (f) any other matter which may be prescribed.

11. (1) The State Government may, at any time and shall at the expiration of ten years from the coming into force of this Act and every succeeding period of ten years thereafter, undertake the revision of the Backward Classes.

(2) The State Government while acting under sub-section (1) shall consult the Commission.

Officers and other employees of Commission.

Salaries and allowances to be paid out of grants.

Vacancy not to invalidate proceedings of Commission.

Procedure to be regulated by Commission.

Functions of Commission.

Powers of Commission.

Periodic revision of Backward Classes.

12. (1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants, such sums of money, as the State Government may think fit for being utilized for the purposes of this Act. Grants by State Government.

(2) The Commission may spend such sums, as it thinks fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants referred to in sub-section (1).

13. The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form, as may be prescribed. Accounts.

14. (1) The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government. Annual Report.

(2) The State Government shall cause the annual report to be laid before the State Legislature.

15. The Chairperson, Members and Employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860). Chairperson, Members and employees of Commission to be public servants.

16. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) salaries and allowances payable to, and the other terms and conditions of service of Members;
- (b) the form in which the annual statement of accounts shall be prepared under section 13;
- (c) the form in, and the time at, which the annual report shall be prepared under section 14;
- (d) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient, for removing the difficulty. Power to remove difficulties.

(2) Every order made under sub-section (1) shall, as soon as may be after it is made, be laid before the State Legislature.

KULDIP JAIN,
Secretary to Government Haryana,
Law and Legislative Department.